IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Interim Relief Application No. 11183 of 2006

In

Writ Petition No. 1183 (S/S) of 2006

Riyasat Hussain,
S/o Mr. Gulam Hussain,
R/o Village – Kanora, Block- Bazpur,
District – Udham Singh Nagar. **…..Petitioner**

Versus

1. State of Uttaranchal through Education Secretary, Dehradun.
2. Basic Shiksha Adhikari, Rudrapur, District – Udham Singh Nagar.
3. Principal, Purva Madhyamik Vidyalaya, Kalyanpur, in Sitarganj, District – Udham Singh Nagar.

……Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Khalil Ahmad, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(a) issue a writ, order, rule or direction in the nature of Mandamus commanding the respondents to allow the petitioner to join his duty as an Assistant Teacher (Urdu) in Purva Madhyamik Vidyalaya, Kalyanpur, Sitarganj, District – Udham Singh Nagar.

(b) Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

(c) *award cost of the writ petition to the petitioner.*

The fact of the case are that petitioner was appointed as Assistant Teacher (Urdu), in Purva Madhyamik Vidyalaya, Kalyanpur, Sitarganj, District – Udham Singh Nagar on 21.12.1985. On 24.11.2003 petitioner fell ill and remain absent from duties due to his illness till 30.01.2006.

On 31.06.2006, Doctor issued medical fitness certificate to the petitioner and after obtaining fitness certificate petitioner approached the respondent no. 2, however, respondent no. 2 has not permitted the petitioner to join the duties. Petitioner has already moved representation before respondent no. 2 on 10.07.2006, which is Annexure no. 2 to the writ petition. However, respondent no. 2 has yet not taken decision on the representation of the petitioner.

During the course of argument, learned counsel for the petitioner has confined his prayer that respondent no. 2 may be directed to decide his representation within a period as prescribed by this court.

The prayer is innocuous. Consequently, I direct the respondent no. 2 to decide the petitioner's representation dated 10.07.2006 within a period of three weeks from the date of production of certified copy of this order.

With this direction, the writ petition as well as interim relief application no. 11183 of 2006 is finally disposed. No order as to costs.

(M.M. Ghildiyal, J)

August 31, 2006
SKSharma